

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR A PRIVATE SCHOOL WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 41.13 ACRES OF PROPERTY LOCATED AT 17001 ADDISON ROAD; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH DAY A VIOLATION CONTINUES; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at a meeting held on May 17, 2016, the Planning and Zoning Commission considered and made a recommendation on a request for a Planned Development District (Case No. 1738-Z); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendations of the Planning and Zoning Commission, the information received at a public hearing; and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and safety of this community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1.** The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**Section 2.** Planned Development District \_\_\_\_\_ is hereby established for the 41.13 acres of property located at 17001 Addison Road and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow a private school and master plan for the Trinity Christian Academy campus developed in accordance with the Development Standards contained in **Exhibit B** an attached hereto and incorporated herein and in accordance with the following conditions:

1. The applicant shall provide a traffic management plan for the Town for review and approval by the Zoning Administrator and shall abide by the provisions of the traffic management plan.

**Section 3.** Development and use of the Property must substantially comply with the Concept Plan shown in **Exhibit C** attached hereto and incorporated herein.

**Section 4.** Development of the Property for a private school may be undertaken in phases. For the purposes of this ordinance, structures, uses, and accessory uses existing on the effective date of this Ordinance which are not in compliance with the concept plan or these

development standards are considered conforming and may remain until the development of their respective phases. The existing structures are shown in the Existing Site Plan contained in **Exhibit D** attached hereto and incorporated herein. Existing portable school buildings shall be allowed by right and shall be removed within 60 days of the issuance of a Certificate of Occupancy for the relevant phase. Failure to remove an existing portable school building as required herein shall be considered a violation of this Ordinance and the owner shall be subject to the penalty prescribed in Section 8.

**Section 5.** Prior to and as a condition of the issuance of a building or any other permit for (i) any development. or (ii) the construction, erection, alteration, extension, placement or locating of any building, structure, infrastructure element, or improvement whatsoever, within the Property or any portion thereof, a development plan for the same must be approved by the Planning and Zoning Commission and by the City Council in accordance with Article XV, Section 5 of the Zoning Ordinance, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the Concept Plan, the standards, terms and conditions of this Ordinance, the Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, codes and standards of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof. Development, occupancy, and use of the Property or portion thereof which is covered by or the subject of a development plan must comply in all respects with the development plan. Upon approval of a development plan by the City Council, the same shall be incorporated into and made a part of this Ordinance for all purposes.

**Section 6.** The creation of Planned Development District \_\_\_\_\_ has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

**Section 7.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 8.** That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 9.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**Section 10.** That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section 11.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance

**PASSED AND APPROVED** BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1738-Z/Trinity Christian Academy

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

**EXHIBIT A: PROPERTY DESCRIPTION**

**NORTH - PROPERTY DESCRIPTION**

**STATE OF TEXAS           §**  
**COUNTY OF DALLAS       §**

BEING a tract of land situated in the L. NOBELS SURVEY, ABSTRACT NO. 1098 and the E. SHEPPARD SURVEY, ABSTRACT NO. 1361, City of Addison, Dallas County, Texas and being all of the same tracts of land described in deed to Trojan Real Properties, Inc., recorded in Instrument No. 20070460310, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner, said iron rod being the northeast corner of Lot 1, Block A, Trinity Christian Academy and being situated in the westerly right-of-way line of Addison Road (72' right-of-way, at this point);

THENCE South 01 deg 34 min 44 sec West, along the westerly right-of-way line of said Addison Road, a distance of 369.03 feet to a 1/2 inch iron rod found for corner;

THENCE North 89 deg 27 min 59 sec East, continuing along said westerly right-of-way line, a distance of 12.00 feet to a 1/2 inch iron rod found for corner;

THENCE South 01 deg 14 min 40 sec West, continuing along the westerly right-of-way line of said Addison Road, a distance of 647.11 feet to a MAG nail with shiner set for corner at the intersection of the westerly right-of-way line of said Addison Road and the northerly right-of-way line of Sojourn Road (60' right-of-way);

THENCE South 89 deg 27 min 59 sec West, departing the westerly right-of-way line of said Addison Road and along the northerly right-of-way line of said Sojourn Road, a distance of 1,589.38 feet to a point for corner from which a 1/2 inch iron rod found bears North 30 deg 10 min 22 sec West, a distance of 0.61 feet, said point being the southeast corner of Addison Place Addition, an addition to the Town of Addison, Dallas County, Texas according to the plat thereof recorded in Volume 82038, Page 1386, Deed Records, Dallas County, Texas;

THENCE North 00 deg 34 min 01 sec West, departing the northerly right-of-way line of said Sojourn Road and along the east line of said Addition Place Addition, a distance of 646.79 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner, said iron rod being situated in the southerly line of Lot 2, The Dominion Addition, an addition to the Town of Addison, Dallas County, Texas according to the plat thereof recorded in Volume 95102, Page 2238, Deed Records, Dallas County, Texas;

THENCE along the southerly and easterly line of said Lot 2 the following:

North 89 deg 27 min 59 sec East, a distance of 249.80 feet to an "X" cut in concrete set for corner and the beginning of a curve to the left having a radius of 170.00 feet, a central angle of 90 deg 00 min 06 sec, a chord bearing of North 44 deg 27 min 59 sec East and a chord length of 240.42 feet;

Along said curve to the left, an arc distance of 267.04 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

North 00 deg 32 min 01 sec West, a distance of 308.17 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner and the beginning of a curve to the right having a radius of 155.00 feet, a central angle of 90 deg 02 min 09 sec, a chord bearing of North 44 deg 29 min 06 sec East and a chord length of 219.27 feet;

Along said curve to the right, an arc distance of 243.57 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

North 89 deg 30 min 14 sec East, a distance of 436.69 feet to a 1/2 inch iron rod found for corner and the beginning of a non-tangent curve to the right having a radius of 80.00 feet, a central angle of 42 deg 44 min 34 sec, a chord bearing of South 69 deg 07 min 34 sec East and a chord length of 58.31 feet;

Along said non-tangent curve to the right, an arc distance of 59.68 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

South 08 deg 24 min 38 sec East, a distance of 57.59 feet to a 1/2 inch iron rod found for corner and the beginning of a curve to the left having a radius of 25.00 feet, a central angle of 206 deg 46 min 08 sec, a chord bearing of North 69 deg 06 min 50 sec East and a chord length of 48.64 feet;

Along said curve to the left, an arc distance of 90.22 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner, said iron rod being situated in the westerly line of Lot 1 of said The Dominion Addition;

THENCE along the westerly and southerly lines of said Lot 1, the following:

South 34 deg 15 min 58 sec East, a distance of 38.96 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

North 79 deg 07 min 13 sec East, a distance of 79.68 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner and the beginning of a non-tangent curve to the left having a radius of 1,050.00 feet, a central angle of 15 deg 35 min 16 sec, a chord bearing of South 73 deg 11 min 43 sec East and a chord length of 284.78 feet;

Along said non-tangent curve to the left, an arc distance of 285.66 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

South 50 deg 51 min 14 sec East, a distance of 156.20 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 39.326 acres or 1,713,019 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 15th day of April, 2015, utilizing a G.P.S. measurement (NAD 83, grid) of South 01 deg 34 min 44 sec West (Plat - South 02 deg 22 min 55 sec West), along the west right-of-way line of Addison Road, recorded in Document No. 200600311786, O.P.R.D.C.T.

### **SOUTH - PROPERTY DESCRIPTION**

**STATE OF TEXAS           §**  
**COUNTY OF DALLAS       §**

BEING a tract of land situated in the LEVI NOBLES SURVEY, ABSTRACT NO. 1098, City of Addison, Dallas County, Texas and being all of Lot 1, Block A, Dallas Gymnastics Center, an addition to the City of Addison, Dallas County, Texas according to the plat thereof rerecorded in Volume 98073, Page 0025, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of said Lot 1, Block A, said iron rod also being situated in the south right-of-way line of Sojourn Drive;

THENCE South 00 deg 35 min 40 sec East, departing said south right-of-way line and along the east line of said Lot 1, Block A, a distance of 188.61 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

THENCE South 89 deg 21 min 59 sec West, departing the east line and along the south line of said Lot 1, Block A, a distance of 400.31 feet to a point for corner from which a 1/2 inch iron rod found bears South 58 deg 37 min 55 sec West, a distance of 0.37 feet;

THENCE North 00 deg 30 min 09 sec West, departing the south line and along the west line of said Lot 1, Block A, a distance of 189.53 feet to an "X" cut in concrete found for corner and being situated in the south right-of-way line of said Sojourn Drive, same being the north line of said Lot 1, Block A;

THENCE North 89 deg 29 min 51 sec East, along the north line of said Lot 1, Block A and the south right-of-way line of said Sojourn Drive, a distance of 400.01 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 1.737 acres or 75,657 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 21st day of April, 2016, utilizing a G.P.S. measurement (NAD 83, grid) of South 01 deg 34 min 44 sec West (Plat - South 02 deg 22 min 55 sec West), along the west right-of-way line of Addison Road, recorded in Document No. 200600311786, O.P.R.D.C.T.

Case No. 1738-Z/Trinity Christian Academy

Ordinance No. \_\_\_\_\_

## **EXHIBIT B: DEVELOPMENT STANDARDS**

### **1. Purpose.**

The purpose of this Planned Development District (the "PD District," "Planned Development District," or "district") is to accommodate the development of a private school and master plan for the Trinity Christian Academy campus in phases. The Property will be developed in accordance with all of the standards, terms and conditions of this Ordinance (the "Ordinance"). These Planned Development conditions are incorporated into and made a part of the Ordinance for all purposes. Development, occupancy, and use of the Property and any portion thereof shall comply with development conditions set forth herein, with the Ordinance, with all applicable provisions of the Zoning Ordinance of the Town of Addison, Texas (the "City") (the same being Appendix A - Zoning of the Code of Ordinances of the City, and as it may be amended or superseded (the "Zoning Ordinance") and with all other applicable ordinances, laws, rules, regulations, standards, and codes of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof.

### **2. Definitions, Interpretations.**

- A. Unless otherwise stated, the definitions and interpretations in the Zoning Ordinance apply to this Ordinance and the development conditions set forth herein.

### **3. Phasing.**

- A. Development of the Property for a private school may be undertaken in phases. For the purposes of this PD, structures, uses, and accessory uses existing on the effective date of this Ordinance (shown in **Exhibit D** – Existing Site Plan) which are not in compliance with the concept plan are considered conforming and may remain until the development of their respective phases.

### **4. Uses.**

- A. Authorized Uses/ Prohibited Uses. Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.

#### **B. Permitted Uses.**

- (1). Private schools, including, but not limited to the “school facility” use as defined in Article XXX of the Zoning Ordinance. Maximum enrollment shall be 1,574 students.
- (2). Existing portable school buildings shall be allowed by right and shall be removed within 60 days of the issuance of a Certificate of Occupancy for the relevant phase; any other portable building shall be allowed only upon the issuance of a Special Use Permit.



C. Accessory Uses. The following are permitted as accessory uses within the Property:

- (1). Recreation space and facilities
- (2). Parking and parking structures
- (3). Other uses customarily incidental and subordinate to permitted uses and any special uses

## 5. Development Standards

A. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

<b>Table A: Development Standards</b>	
<b>Building Setbacks</b>	Building setbacks within the property are shown as the permissible building zone on the Concept Plan in Exhibit C.
<b>Maximum Building Height</b>	60 feet as measured to the midpoint of the roof
<b>Maximum Lot Coverage</b>	70%
<b>Maximum Allowable Building Area</b>	585,000 square feet

B. Miscellaneous development standards:

- (1). Lot coverage. The area of above ground parking structures is included in the lot coverage calculation.
- (2). Height. Architectural features including, but not limited to, turrets, spires and towers may exceed the maximum building height provided that any such structure is no more than 15 feet higher than the maximum permitted height and has a floor plan which is ten percent or less of the ground floor area of the building of which it is a part of.
- (3). Maximum Allowable Building Area. Parking structures or covered walkways are not included in the maximum allowable building area calculation.

## 6. Parking

A. *Generally*. Off-street parking must be provided in accordance with the following:

- (1). At no time shall the property provide less than 932 parking spaces.
- (2). The property shall be required to construct the parking garage prior to the issuance of a building permit for the consolidated athletic center as shown on the Concept Plan and provide at least 1,024 spaces prior to the issuance of the occupancy permit for said consolidated athletic center.

- (3). In order to facilitate the construction process, a temporary parking plan may be utilized upon approval of the Zoning Administrator.

- a. Temporary parking may be provided on gravel parking lots, utilize tandem parking as well as other provisions which the Zoning Administrator determines to be acceptable.

B. *Parking garages.* Parking garage ramps shall not be express on the façade of the parking structure fronting or visible from public streets or adjacent properties. Steel parking garages and steel guard cables on the garage facades are prohibited.

## 7. Exterior Appearance

### A. *Materials:*

- (1). At least 80 percent of the exterior walls of all structures shall be of masonry construction.
- (2). For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, three-coat stucco, and split face concrete masonry units. An applicant, however, may submit a design for construction of parking structures that employs alternative construction materials for exterior cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.
- (3). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) shall use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
- (4). No more than 40% of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) shall use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
- (5). The exterior cladding (excluding glass and roofing materials) of all buildings, (including above grade parking structures) shall be composed of not more than three materials.
- (6). The following materials are prohibited as primary cladding materials:
  - i. Aluminum siding or cladding
  - ii. Fiberboard or Masonite siding
  - iii. Wood roof shingles
  - iv. Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)
- (7). The following materials are prohibited as primary roofing materials:
  - i. Wood roof shingle

ii. Composite shingles with less than a 50-year life

(8). All balcony and stairway walking surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Building Code. All handrails and guardrails shall be constructed of noncombustible materials.

B. *Windows.* Glass is to be clear or tinted, not reflective.

C. *Walls.* Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

8. Landscape.

A. Landscaping within the Property shall comply with the standards contained in the Town of Addison Code of Ordinances, as amended.

9. Screening

A. Mechanical equipment shall be screened from view from all public streets and adjacent properties and located to minimize noise intrusion off each lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

B. Loading, service, and trash storage areas shall be screened from all public streets and adjacent properties. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

C. Roof-mounted mechanical elements must be screened from view from all public streets and adjacent properties. Screening must be architecturally compatible with the building design.

10. Miscellaneous Requirements

A. Athletic Field Improvements. Location of structures and improvements such as dugouts, bleachers, backstops, benches, and other similar athletic improvements may be relocated anywhere within the permissible building zone of the Property to accommodate other proposed improvements.

B. Speakers. Upon construction of the proposed press box and bleachers for the football field, speakers for the football field shall be removed from their current location on the east side of the football field and shall then be located on the west side of the football field and oriented towards the east.

- C. Additional athletic lighting may be installed upon approval of the Zoning Administrator. If the Zoning Administrator denies additional athletic lighting, the applicant may appeal to the City Council. The City Council may not approve additional athletic lighting prior to a public hearing held not sooner than 10 days after written notice is provided to property owners within 200 feet of the area of the request.
- D. Lighting for tennis courts shall not exceed 60' in height. Fixtures shall be shielded and directed onto courts. Lighting shall be turned off no later than 10 p.m. on Monday – Saturday, with no lighting operations on Sunday.

## EXHIBIT C: CONCEPT PLAN



